

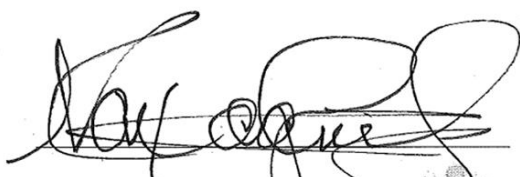
accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.” Hutchinson v. Staton, 994 F.2d 1076, 1081 (4th Cir. 1993). Generally, reconsideration is an “extraordinary remedy” that should be used sparingly. See Pac. Ins. Co. v. Am. Nat. Fire Ins. Co., 148 F.3d 396, 403 (4th Cir. 1998). Moreover, a “Rule 59(e) motion is not intended to allow for re-argument of the very issues that the court has previously decided...and is not intended to give an unhappy litigant one additional chance to sway the judge.” Johnson v. BAC Home Loans Servicing, LP, No. 5:10-CV-271-F, 2012 WL 148688, at *1 (E.D.N.C. Jan. 18, 2012) (internal citations and quotations omitted). Plaintiff’s motion to reconsider does not point to any change in controlling law, new evidence, clear error of law, or manifest injustice. Plaintiff merely reiterates his earlier arguments already made before the court, which the court will not revisit.

Finally, in addressing Plaintiff’s concern that the court did not consider the case of Evans v. Metropolitan Life Insurance Co., 358 F.3d 307 (4th Cir. 2004), the court notes that though it did not explicitly reference the case in its earlier order, the court did, in fact, consider the case. The court simply found it factually distinct from Plaintiff’s situation and as such, did not find it to be persuasive authority. Though the court appreciates Plaintiff’s attempts to raise what he believed to be an oversight in the court’s understanding of the issues before it, the court declines to change its decision based on the above case.

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff’s Motion to Reconsider (#34) is **DENIED**.

Signed: February 6, 2015



Max O. Cogburn Jr.
United States District Judge